

10 offices?

11 A. Yes.

12 Q. Did you take the documents with you when
13 you returned?

14 A. No.

15 Q. Did you inform anybody at the office that
16 you had the documents?

17 A. No.

18 Q. At any time on the 23rd did you discuss
19 with Ms. Milstein the steps you had gone through in the
20 bid submission process that day?

21 A. I don't remember.

22 Q. Do you remember if Ms. Milstein ever
23 indicated to you that she believed you had done
24 everything that you should have done properly?

25 A. I believe so.

Page 35

1 Q. And was that that day?

2 A. Yes.

3 Q. Did you have any other conversations with
4 people at the San Mateo Group after lunch?

5 A. Probably but I don't remember for sure.

6 Q. So you do not recall specifically speaking
7 to anybody on any particular subject in the afternoon?

8 A. No, I don't remember.

9 Q. But you are certain that you did not have
10 any conversation in which you disclosed the fact that

11 you had the documents?

12 A. No.

13 Q. You're not certain or --

14 A. I'm sorry. While I was at the office, I
15 did not tell anybody I had the documents.

16 Q. Approximately what time did you leave the
17 offices of the San Mateo Group that day?

18 A. Probably around 5:30, 5:00 or 5:30.

19 Q. While you were in the offices of the
20 San Mateo Group on the 23rd, was Mr. Breen in the
21 office?

22 A. No.

Page 36

17 Q. Did you return to the offices of San Mateo
18 Group on Wednesday the 24th?

19 A. No.

20 Q. Did you return to the offices of the
21 San Mateo Group on Thursday the 25th?

22 A. No.

Page 37

14 Q. On the 24th of January 1996, did you have
15 any communication with the San Mateo Group?

16 A. Yes.

17 Q. And what was that communication?

18 A. I first faxed them a resignation. I faxed
19 my resignation to them. A few hours later, I got a
20 phone call from Lori Collins asking where I was. She

21 had not been notified that I had resigned. And she was
22 wondering what was happening. And I think later on that
23 day, I spoke to Ronit, but I'm not sure.

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15 Q. You say you may have spoken with
16 Ms. Milstein that day. Do you know that you had a
17 conversation with Ms. Milstein subsequent to departing
18 San Mateo Group?

19 A. Yes.

20 Q. And is your confusion or uncertainty
21 arising because you're not certain which day you had
22 that conversation?

23 A. Yes.

24 Q. Can you tell us what the substance of your
25 conversation was with Ms. Milstein?

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1 A. I don't remember very many of the details.
2 I remember saying I just could not work in that
3 environment anymore. And she said she understood and
4 was sorry that I was leaving.

5 I know I discussed with her at some point
6 that Terry had taken my binder and that binder existed
7 in my mind mostly for my protection because I was being
8 asked to do something I was not authorized to do and I
9 wanted his signature on papers giving me that
10 authorization and that he had taken that away and that I
11 wasn't going to work under those conditions or, you

12 know, the fact that basically he had faxed documents to
13 the FCC that were false.

14 Q. You indicated that the binder existed in
15 part for your protection?

16 A. Yes.

17 Q. Whose idea was it to create the binder?

18 A. I believe it was mine.

19 Q. And the purpose was to maintain a record of
20 what you'd been asked to do?

21 A. Yes.

22 Q. So that you would be able to establish the
23 authority for what you had done?

24 A. Yes.

25 Q. And you did that by insisting upon signed

Page 40

1 copies of the bidding sheets?

2 A. Yes.

Page 41

3 Q. On the 24th or 25th of January, 1996, did
4 you have any communications with any of the employees or
5 consultants working at San Mateo Group?

6 A. Yes, I did.

7 Q. Would that have included Lori Collins?

8 A. Yes.

9 Q. Would it have included Fred Gross?

10 A. Yes.

11 Q. Would it have included Mike Gavette?

12 A. No.

13 Q. Would it have included Bill Pezzalgia?

14 A. No.

15 Q. Would it have included Scott Murberger?

16 A. Possibly.

17 Q. I believe you did indicate that you spoke

18 with Ms. Milstein.

19 A. Yes.

20 Q. Did you speak with Mr. Easton?

21 A. No.

22 Q. Did you speak with Mr. Breen?

23 A. No.

24 Q. After the 23rd of January, did you have any

25 communication with the Federal Communications

Page 42

1 Commission?

2 A. Yes.

3 Q. When was the first such communication

4 subsequent to the 23rd?

5 A. On the morning of the 24th.

6 Q. And who initiated that contact?

7 A. Gordon Coffman did.

8 Q. And what was the substance of that contact?

9 A. That substance was to review everything I

10 had told him the day before. It ended up that

11 Gordon Coffman was not the appropriate person to talk

12 to, and he brought Bill Kinnard into the conversation to

13 take over, and so I had to reexplain everything that
14 happened to Bill.

15 Q. And was that in the same conversation --
16 Was that in a single conversation or did Mr. Coffman
17 reinitiate a phone call?

18 A. It was all a single conversation.

19 Q. Did you indicate to them that you had
20 documents in your possession from San Mateo Group?

21 A. Yes, I did.

22 Q. And did they ask you to do anything with
23 those documents?

24 A. I believe they asked me to fax them to
25 their office.

Page 43

1 Q. Did you have copies faxed to their office?

2 A. Yes, I did.

3 Q. After -- Was -- Was the faxing of the
4 documents a result of that first conversation on the
5 24th?

6 A. I believe so.

7 Q. On the 24th after the materials had been
8 faxed to the FCC, did you have any other contact with
9 the FCC that day?

10 A. I don't remember.

11 Q. Did you send the FCC by fax anything other
12 than the documents you had retrieved?

13 A. Yes.

14 Q. And what was that?

15 A. I faxed them a three- or four-page
16 declaration stating what I had witnessed on the 23rd.

17 Q. And had that been requested by them?

18 A. I think I volunteered it.

19 Q. And it was a declaration under oath?

20 A. Yes.

21 Q. So the -- there were two communications
22 between you and the FCC on the 24th, one a phone
23 conversation initiated by the FCC and the second a fax
24 transmittal to the FCC by you?

25 A. Yes.

Page 44

1 Q. In your conversation on the 24th with the
2 FCC, did they ask you if anyone at the San Mateo Group
3 knew you had the documents?

4 A. I don't remember.

5 Q. Do you know if you told them that you --
6 whether anybody at San Mateo Group knew you had the
7 documents?

8 A. I don't remember.

9 Q. Did they ask you to make the documents --
10 to provide the documents to anyone at the San Mateo
11 Group?

12 A. No.

13 Q. To anyone at Romulus Telecommunications?

14 A. No.

15 Q. To anyone at PCS 2000?

16 A. No.

17 Q. Did they ask you to not provide the
18 documents to anybody?

19 A. No.

20 Q. Did you have any communication with the
21 Federal Communications Commission on the 25th of
22 February -- of January 1996?

23 A. I don't remember.

24 Q. Did you have any communication with anybody
25 at the Federal Communications Commission on

Page 45

1 January 26th, 1996?

2 A. I don't remember.

3 Q. After your -- your communication -- your
4 telephone conversation with the Federal Communications
5 Commission the morning of the 24th of January 1996, what
6 is the next communication with the Federal
7 Communications Commission that you recall?

8 A. I don't remember the dates. The next one
9 that I remember for sure -- I believe it was beginning
10 of February after Bill Kinnard had sent me a copy of the
11 request for waiver that PCS 2000 had filed.

* * * * *

20 MR. CARROCCIO: Q. The -- In your
21 conversations or communications with people employed by
22 or providing consulting services to the San Mateo Group,

23 Romulus Telecommunications or PCS 2000, did you obtain
24 any information about activity at those companies
25 subsequent to the 23rd of January?

Page 46

1 A. Yes.

2 Q. And what were you told about that activity?

3 A. I was told that Terry was deleting files
4 from the -- his computer and the server pertaining to
5 the bidding on round 11, which was January 23rd.

6 Q. Were you informed that anyone was preparing
7 a waiver request to the FCC?

8 A. I don't believe so.

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6 Q. Ms. Hamilton, how did you obtain your final
7 paycheck from your employment at San Mateo Group?

8 A. I went to the San Mateo Group offices late
9 in the afternoon of January 26 to pick up my checks and
10 to clean off my desk.

11 Q. Okay. Were you accompanied by anybody?

12 A. Yes.

13 Q. Who was that?

14 A. A friend Rosalind Makris.

15 Q. Can you describe Ms. Makris?

16 A. Can you be more specific?

17 Q. Can you give us a physical description of
18 Ms. Makris?

19 A. She is, I believe, my height, five foot

20 six; about my size; very, very short black hair; African
21 American; usually wears two pairs of glasses at once.

22 Q. Who at the San Mateo Group had you alerted
23 to your intention to come by on that date?

24 A. The only one I know for sure was in my
25 resignation letter which was addressed to "To whom it

Page 52

1 may concern."

2 (Discussion off the record.)

3 MR. CARROCCIO: Q. Ms. Hamilton, had you
4 let anybody at the San Mateo Group know that you
5 personally would be coming to the office -- those
6 offices on the 26th of January 1996?

7 A. I don't remember. I believe in my
8 resignation letter I actually said that I would send
9 somebody else to pick it up. I don't know when I
10 changed my mind on that and whether I may have conveyed
11 that to somebody prior to going.

12 Q. Had you conveyed it to someone, would that
13 person have been Ms. Collins?

14 A. Might have been.

15 Q. Would it have been Mr. Murberger?

16 A. Could have been.

17 Q. Ms. Milstein?

18 A. Again, could have been. Don't know.

19 Q. Mr. Gavette?

20 A. No.

21 Q. Mr. Gross?
22 A. Maybe.
23 Q. Mr. Pezzalgia?
24 A. No.
25 Q. Mr. Easton?

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1 A. No.
2 Q. Mr. Breen?
3 A. No.
4 Q. Approximately what time did you arrive at
5 the San Mateo Group that day?
6 A. It was late in the afternoon. I don't know
7 the exact time. Could be as early as 4:00, could be as
8 late as 5:30 or -- probably prior to 6:00 p.m.
9 Q. So you arrived there before 6:00?
10 A. I believe so.
11 Q. And after 4:00?
12 A. Yes, I think so.
13 Q. Who did you speak to when you first
14 arrived?
15 A. I'm not sure who I spoke to first. Could
16 have been Ronit, could have been Quentin.

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18 Q. Did you ask to see Mr. Breen?
19 A. Ask who?
20 Q. Anyone.
21 A. Mr. Breen came out to speak to me, and I

22 asked to -- if I could speak to him in private.

23 Q. But Mr. Breen -- Mr. Breen's approach to
24 you was not at your request?

25 A. No.

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1 Q. When you say Mr. Breen came out to speak to
2 you, where did he come from?

3 A. He was in a meeting in the glass-enclosed
4 conference room.

5 Q. Were you able to see who was in that room?

6 A. Yes.

7 Q. Can you tell us who you were able to
8 identify?

9 A. I couldn't identify everybody, but
10 Terry Easton was there, Javier Lamoso was there,
11 Quentin, Ronit was in there at some point but I don't
12 think all of the time. Some of the other people from
13 Puerto Rico, but I don't remember which ones. And maybe
14 Dan Parks. I don't remember.

* * * * *

18 Q. When you asked Mr. Breen if you could speak
19 with him, did you ask if that -- your conversation could
20 take place anywhere in particular?

21 A. Yes, I asked him if we could go back to his
22 office.

23 Q. And did you?

24 A. Yes.

25 Q. In his office -- How long were you in his

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1 office?

2 A. Probably less than ten minutes. I don't --
3 I don't remember for sure.

4 Q. When you went -- When you went into his
5 office, what was the first subject of conversation?

6 A. I don't remember the order of the topics we
7 discussed.

8 Q. Let's go back to the reception area where
9 Mr. Breen first approached you. What did he say to you
10 when he approached?

11 A. I think he asked if I was okay or asked how
12 I was doing, something like that.

13 Q. And what did you say in response?

14 A. I don't remember my response to that.

15 Q. Would you have responded by saying "May I
16 speak to you in private?"

17 A. I think that was a little later. I think
18 before that, I asked him if Ronit had told him what was
19 going on in the office.

20 Q. And what was his response to that?

21 A. I don't remember for sure. I'm not sure if
22 he said yes and I didn't believe that she had told him
23 everything that was going on or if he said no. I think
24 it's more that he said yes and I didn't believe that she
25 had told him everything.

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1 Q. Okay. Now, was that what prompted you to
2 ask Mr. Breen if you could speak to him in his office?

3 A. Yes.

4 Q. When you went into his office, did you
5 discuss your concerns regarding Mr. Easton?

6 A. Yes.

7 Q. What did you tell Mr. Breen?

8 A. I don't remember all of the details. The
9 conversation was a long time ago. I do remember telling
10 him that Terry had taken my binder. I remember telling
11 him that Terry had looked through my garbage can for the
12 previous bidding documents. I --

13 Q. When you told him about Mr. Easton looking
14 for those documents, did you tell Mr. Breen what the
15 results of that search had been?

16 A. I believe I said that Terry never found
17 them.

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11 Q. Did you give Mr. Breen any indication that
12 the documents were still in existence?

13 A. No.

14 Q. Then, I assume, you did not give Mr. Breen
15 any indication that you had the documents?

16 A. No.

17 Q. Did you give Mr. Breen any indication that
18 there were documents he should go and try to retrieve?

19 A. No.

20 Q. Can you recall anything else you told
21 Mr. Breen about Mr. Easton's activities?

22 Let me ask a specific question. Do you
23 recall telling Mr. Breen that Mr. Easton had lied to the
24 Federal Communications Commission?

25 A. I think I did tell him that.

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1 Q. And when you told him that, do you remember
2 what Mr. Breen's response was?

3 A. I'm not sure that he had my response.

4 Q. Do you remember indicating to Mr. Breen
5 that Mr. Easton had tried to blame the FCC for the
6 bidding error?

7 A. I think I did, but I don't remember for
8 sure. It was a long time ago.

9 Q. Do you remember if when you told -- if you
10 had told Mr. Breen that if he responded with the phrase
11 "That's Terry being Terry"?

12 A. That sounds about right.

13 Q. Does that somewhat refresh your
14 recollection?

15 A. Yeah. Yeah, I do remember that expression
16 coming up in that conversation, and I'm pretty sure it's
17 pertaining to the FCC, the statements to the FCC about
18 it being their fault.

19 Q. What else did you indicate to Mr. Breen

20 about Mr. Easton's activity?

21 A. I don't remember for sure what else I told
22 him about it.

23 Q. You indicated you asked Mr. Breen to meet
24 with you in his office. Why did you feel there was a
25 need for privacy?

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1 A. We were standing very close to the
2 conference room where the door was open, and Terry was
3 in there, and I didn't want to be anywhere near Terry.

4 Q. You didn't want to be anywhere near Terry
5 or you didn't want to be where Terry could hear anything
6 you were going to say to Mr. Breen?

7 A. Both.

8 Q. And were you -- Does that indicate that you
9 were comfortable telling Mr. Breen things that you would
10 not have been comfortable telling Mr. Easton?

11 A. Yes.

12 Q. And why were you comfortable telling
13 Mr. Breen these things when you weren't comfortable
14 telling Mr. Easton?

15 A. Well, for one, Terry had a horrible temper,
16 and I didn't want any part of it. Lori Collins, who was
17 Terry's personal assistant had told me that if I ever
18 quit my job there to not ever put down the real reason
19 if Terry was the reason, and that if I did or if Terry
20 caught wind as to why I was leaving, that chances are I

21 would not be paid the money that I was due and that I
22 would be blackballed and never get a reference for
23 another job.

24 On the other hand, Quentin and I had always
25 been friendly. 'Cause I wasn't likely to go tell Terry,

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1 "Hey, Terry, I heard you lie to the FCC." Just wouldn't
2 make sense for me to say those things to him. I was
3 convinced that he knew what he had been doing.

4 Q. Did you feel you could be candid with
5 Mr. Breen?

6 A. Yes, and no. Normally, I would have felt
7 that I could be candid with him, but on that occasion,
8 it wasn't that I didn't trust Quentin at all. In
9 fact -- I did not want to be too candid with him because
10 I did not want him to go back into that conference room
11 and announce what I had said until I could get out of
12 there with my pay check and cash it. So I wasn't as
13 candid as I would have otherwise been probably.

14 Q. Are you saying that you -- Do you recall
15 providing a declaration to me for use and submission to
16 the Federal Communications Commission?

17 A. Yes, I do.

18 Q. And do you recall in that describing your
19 conversation with Mr. Breen as being circumspect?

20 A. Yes, I do.

21 Q. You just indicated that you were not as

22 candid under the circumstances as you would normally
23 have been because of the immediate concern about the
24 ability to be able to cash your paycheck.

25 A. Yes.

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1 Q. Were you concerned that Mr. Easton would do
2 something to foreclose that?

3 A. Yes.

4 Q. Did you -- When you -- When you were
5 circumspect or less than candid, did you limit the
6 amount of information you gave to Mr. Breen?

7 A. Yes.

8 Q. Did you attempt to incite Mr. Breen to
9 action with regard to the information that you gave him?

10 A. Sort of.

11 Q. Immediate action?

12 A. No.

13 Q. Were your disclosures to Mr. Breen intended
14 to have him confront Mr. Easton?

15 A. No.

16 Q. Were you concerned about Mr. Breen going
17 back into the meeting and disclosing information that
18 you may have given him?

19 A. Very much.

20 Q. Were you therefore cautious about the
21 amount of information you gave him?

22 A. Yes.

23 Q. Did you give Mr. Breen any indication that
24 you had any evidence to back up any of the statements
25 you were making to him?

Page 64

1 A. No.

2 Q. Did you give him any indication of where he
3 might find some evidence to back up the statement you
4 were making to him?

5 A. No.

6 Q. Did you give him any indication that there
7 was any evidence then in existence?

8 A. No.

9 Q. Did Mr. Breen indicate to you whether he
10 felt any blame for the bidding error rested on your
11 shoulders?

12 A. No.

13 Q. Did he give you any indication as to
14 whether he felt you had done your job properly?

15 A. Yes.

16 Q. Did he indicate that he was sufficiently
17 confident in what you had done but he would be willing
18 to give you a recommendation?

19 A. Yes.

20 Q. So he in no way inferred that you might
21 have any responsibility for the bidding error?

22 A. Not that I know of.

23 Q. In no way inferred to you in that meeting?

24 A. No.

25 Q. Is it fair to say that you were trying to

Page 65

1 alert Mr. Breen to the situation rather than alarm
2 Mr. Breen with regard to the situation?

3 A. That would be fair.

4 Q. When you were speaking with Mr. Breen, did
5 he give you any indication that he had any knowledge of
6 your communications with San Mateo Group personnel
7 subsequent to your departure?

8 A. No.

9 Q. Can you think of any reason why Mr. Breen
10 would know that you had had conversations subsequent to
11 your departure with Ms. Collins?

12 A. No.

13 Q. With Mr. Gross?

14 A. No.

15 Q. With Mr. Gavette?

16 A. No.

17 Q. With Mr. Murberger?

18 A. No.

19 Q. Were you aware when you were meeting with
20 Mr. Breen that he had earlier that day reviewed a
21 request for waiver to be submitted to the Federal
22 Communications Commission on behalf of PCS 2000?

23 A. No.

24 Q. Were you aware that PCS 2000 had indicated

25 in a waiver request that it did not impute any blame to

Page 66

1 the FCC for the bidding error?

2 A. No.

3 Q. Were you aware that the matters you were
4 discussing with Mr. Breen had already been addressed in
5 a submission to the Federal Communications Commission?

6 A. No.

7 Q. At the end of your discussion with
8 Mr. Breen about Mr. Easton's activities, was the
9 atmosphere of the meeting still cordial?

10 A. Yes.

11 Q. Did you discuss other things at that time?

12 A. Yes.

13 Q. Can you tell us some of those?

14 A. We discussed his giving me a recommendation
15 for my job search, and we talked about Train Mountain,
16 looked at Train Mountain pictures.

17 Q. Train Mountain being...?

18 A. Quentin's home and playground.

19 Q. In Oregon?

20 A. Yes. And discussed that we had always been
21 promised that after the bid was over, we'd get to go to
22 Train Mountain. I wasn't going to get to go.

23 Q. Did Mr. Breen give you any indication in
24 the course of that meeting that he did not want you to
25 convey any of the information you had given to him to

1 any other person?

2 A. No.

3 Q. He didn't say to you, "Let's keep this
4 quiet"?

5 A. No.

6 Q. He didn't say to you, "Let's" -- "We don't
7 have to tell the FCC about this"?

8 A. No.

9 Q. He did not say to you, "We don't have to
10 tell the board about this"?

11 A. No.

12 Q. There was nothing that Mr. Breen said to
13 you that indicated that this was information -- that the
14 information you had was information he was concerned
15 about its disclosure?

16 A. No.

17 Q. Would you have -- On the basis of the
18 information you gave Mr. Breen at that meeting, your
19 meeting with him, would you have expected him to go back
20 into the meeting in the conference room and discuss the
21 matters you had presented to him?

22 A. No. That was the last thing I wanted him
23 to do.

24 Q. So not only did you not expect it, you had
25 made your presentation in such a way as to prevent it or

1 foreclose it?

2 A. Well, I couldn't predict how Quentin would
3 handle the information, but I definitely did not want
4 him to go back in there and announce what I had said.

5 Q. Ms. Hamilton, in your time at San Mateo
6 Group, had you had an opportunity to observe Mr. Breen
7 and his way of doing things?

8 A. Somewhat.

9 Q. Was Mr. Breen somebody who reacted
10 violently or emotionally to a situation?

11 A. No.

12 Q. Did Mr. Breen act on individual pieces of
13 information?

14 A. Can you be more specific?

15 Q. Did Mr. Breen act on single pieces of
16 information, or did he tend to gather as much
17 information as possible before acting or making a
18 decision?

19 A. Quentin was methodical. He gathered a lot
20 of information before he would act on it.

21 Q. Did you ever hear Mr. Breen use the
22 expression "Time will give us the answer"?

23 A. I don't remember that.

24 Q. Was Mr. Breen different from Mr. Easton in
25 the way he reacted to information?

Page 69

1 A. Yes.

2 Q. Would Mr. Easton consider information
3 before reacting to it?

4 A. No, not usually.

5 Q. Did you indicate to Mr. Breen that
6 Mr. Easton had made the bidding error?

7 A. Are we still back in the meeting in his
8 office?

9 Q. We're still in the meeting in his office.

10 A. We're still in his office. I believe so.

11 Q. And did Mr. Breen indicate to you that he
12 knew it wasn't your fault?

13 A. He might have. I don't remember for sure.

14 Q. In the course of discussing with you his
15 willingness to give you a recommendation or a reference,
16 did he touch on his perception as to your innocence with
17 regard to the bidding error?

18 A. I don't remember. It wouldn't have stood
19 out if he did because I never doubted that Quentin would
20 know I had nothing to do with it. So that's not
21 something that would have stood out for me even if he
22 had mentioned it.

23 Q. I'm sorry. Could you -- You --

24 A. I never doubted that Quentin knew where the
25 mistake came from. Quentin always supported my work,

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1 even before this event. He had told me that in the
2 event of any layoffs, he would fight for my job to be

3 kept. As far as I was concerned, Quentin had complete
4 faith in me while I was talking to him that day that I
5 had not created that mistake.

6 Q. Okay.

7 A. So if he had confirmed what I was thinking,
8 it wouldn't have stood out to me.

9 Q. It would have stood out if he had given you
10 any indication to the contrary?

11 A. Oh, yes.

12 Q. So you -- You got no feeling from Mr. Breen
13 that he in any way blamed you or felt that you could be
14 responsible for the error?

15 A. None at all.

16 Q. Did Mr. Breen indicate to you in the course
17 of that meeting that the -- the PCS 2000 did not blame
18 the FCC for the bidding error?

19 A. I don't believe so.

20 Q. At the time you were meeting with
21 Mr. Breen, do you feel that Mr. Breen was being discrete
22 in his disclosures to you?

23 A. Yes.

24 Q. Do you believe that his discretion was a
25 result of your status as a former employee or a former

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1 member of the bidding team?

2 A. I believe that was part of it.

* * * * *